SCHEDULE C—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum, in millions)
5023(a)	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5154	Livestock	10
5147	Meats and meat products	10
5051(a)	Metal service centers	10
5134	Notions and other dry goods	10
5133	Piece goods (woven fabrics)	10
5111	Printing and writing paper	10
5041	Sporting and recreational goods and supplies	10
5194	Tobacco and tobacco products	10
5042	Toys and hobby goods and supplies	10
5012	Automobile and motor vehicles	15
5161	Chemicals and allied products	15
5081	Commercial machines and equipment	15
5152	Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm and garden machinery and equipment	15
5142	Frozen foods	15
5141	Groceries, general line	15
5113	Industrial and personal service paper	15
5051(b)	Metals sales offices	15
5198	Paints, varnishes, and supplies	15
5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals	15
5171	Petroleum bulk stations and terminals	15
5014	Tires and tubes	15
5182	Wines and distilled alcoholic beverages	15

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for secs. 501 and 502 loans and SBIC assistance. Where a code is followed by a letter, the size standard applies only to the class of product designated.)

Industry or subindustry code	Industry, subindustry, or class of products	Annual sales size standard (maximum, in millions)
	Major Group 56—Apparel and Accessory Stores	
5651	Family clothing stores	$1.5
5611	Men's and boys' clothing and furnishings stores	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations	
5599(a)	Aircraft (a part of automotive dealers, n.e.c.)	3.0
5511	Motor vehicle dealers (new and used)	5.0
5521	Motor vehicle dealers (used only)	5.0
	Major Group 54—Foodstores	
5411	Grocery stores	5.0
5423(a)	Meat markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings, and Equipment Stores	
5722	Household appliance stores	1.5
5732	Radio and television stores	1.5
	Major Group 53—General Merchandise	
5311	Department stores	5.0
5331	Variety stores	2.0
	Major Group 59—Miscellaneous Retail	
5961	Mail order houses	5.0

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut	Percentage of timber purchased that may be sold to other than small business
Alaska	50

SCHEDULE F—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MINING AND MINING SERVICES

(The following size standards are to be used when determining the size status of mining and mining services concerns for the purpose of SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for secs. 501 and 502 loans and small business investment company assistance.)

Census classification code	Industry or class of products	Employment size standard (number of employees)
1111	Anthracite	250
1112	Anthracite mining services	250
1211	Bituminous coal and lignite	500
1213	Bituminous coal and lignite mining services	250

SCHEDULE G—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD Districts and States included in PAD District:

1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.
2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.
3. New Mexico, Texas, Arkansas, Louisiana, Mississippi, and Alabama.
4. Montana, Idaho, Wyoming, Utah, and Colorado.
5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

[FR Doc.72-20326 Filed 11-29-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 12006, Amdt. 25-34 and 121-99]

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Rear Exit Security: Large Passenger-Carrying Turbojet Powered Airplanes

The purpose of these amendments to Parts 25 and 121 of the Federal Aviation Regulations is to provide additional security on certain large passenger-carrying turbojet powered airplanes operated under Part 121 by requiring that each ventral exit and tailcone exit be designed and constructed so that it cannot be opened during flight. These amendments also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with the large airplanes.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 72-15) issued June 20, 1972, and published in the FEDERAL REGISTER on June 24, 1972 (37 F.R. 12507) and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those contained in the notice.

Several commentators objected to the requirement in proposed § 25.809(j)(1) and § 121.310(k)(1) that means must be provided so that takeoff cannot be started if either the ventral exit or tailcone exit is not locked. They based their objection on the possible catastrophic results of a malfunction or failure in the currently available means that could be used to implement this requirement, for example, systems providing for the locking of brakes or throttles by electrical signals from the stair lock. In this regard, a number of means were suggested by commentators to assure that the ventral exit could not be opened during flight, but that it still would be available for use as an emergency exit. The FAA agrees with those comments, and, accordingly, the proposal that means be provided so that takeoff cannot be started if the ventral exit or tailcone exit is not locked is not adopted in this amendment. However, under the rule as adopted, when the airplane becomes airborne the design and construction characteristics of each ventral exit and tailcone exit must be such that it cannot be opened during flight.

Certain comments contended that altering the design of an aircraft is not an effective means of overcoming the problems of hijacking, because simple devices can be overcome by the hijacker and more complicated devices create additional risk in the operation of the aircraft. One comment pointed out that it is patently impossible to add a lock to an emergency exit without statistically reducing the reliability of that exit. However, the FAA does not believe that, because a device installed in compliance with the rule may be simple in design, it will necessarily also be simple for a hijacker to overcome it. Nor does the FAA believe that compliance with the rule, as adopted, will reduce the reliability of the exits in an emergency.

One commentator recommended that the rule specify that the ventral exit be available for normal and emergency ground operations. The FAA does not

agree that a rule change in this respect is necessary, since the amendment as adopted herein in no way conflicts with other rules dealing with the availability of exits for emergency egress in an actual emergency.

Several commentators recommended that an appropriately worded placard be installed in a conspicuous location near the means of opening each ventral exit and tailcone exit, stating that the exit cannot be opened during flight. The FAA agrees, and this requirement is added to the proposed amendments.

One commentator suggests that the proposed rule should not be applied to air travel clubs, because the makeup of their membership and their financial structure makes it highly unlikely that they would be subjected to the kind of hijacking and extortion the proposed rule is intended to prevent. The FAA does not agree. The proposal was intended to prevent all hijacking of certain large aircraft engaged in operations required to be conducted in accordance with Part 121 and the amendment is applicable to all such operations.

One commentator objected to the rule, stating that it is unnecessary since the proper response to any hijacker is to refuse all of his demands for ransom, whatever the cost. The FAA does not agree. As stated in the notice, every possible step must be taken to deter persons from boarding aircraft for the purpose of hijacking them and escaping by parachute. The purpose of these amendments is to make it clear that any attempt to hijack a large passenger-carrying turbojet-powered airplane and escape therefrom by parachute will be a futile effort.

While the notice proposed to make the amendment to § 121.310 effective 6 months after the effective date of the rule, the rule as adopted provides for an 8-month compliance period to allow additional time for design, manufacture, and installation, where modifications are needed to conform to the rule.

In consideration of the foregoing, and for the reasons given in notice 72-15, Parts 25 and 121 of the Federal Aviation Regulations are amended, effective December 31, 1972, as follows:

1. By adding a new paragraph (j) to § 25.809 to read as follows:

§ 25.809 Emergency exit arrangement.

* * * * *

(j) When required by the operating rules for any large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

2. By adding a new paragraph (k) to § 121.310 to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(k) After August 28, 1973, on each large passenger-carrying turbojet-powered airplane, each ventral exit and tailcone exit must be—

(1) Designed and constructed so that it cannot be opened during flight; and

(2) Marked with a placard readable from a distance of 30 inches and installed at a conspicuous location near the means of opening the exit, stating that the exit has been designed and constructed so that it cannot be opened during flight.

(Section 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 24, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-18118 Filed 11-29-72;8:51 am]

[Airworthiness Docket No. 72-WE-15-AD, Amdt. 39-1566]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC-9-10 Series Airplanes

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring that the entry door closing assist handle be removed and an improved design modification installed on Douglas Model DC-9-10 series airplanes was published at 37 F.R. 16621 (August 17, 1972).

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received in response to the above notice, insofar as they relate to matters within the scope of the notice.

One commentator suggested that equivalent modifications need not be approved by the Chief, Aircraft Engineering Division, Federal Aviation Administration, Western Region, and that, due to procurement time, 4,000 hours would be required to schedule the modification. The agency does not agree. Due to the scope of this modification, the equivalent modifications should be approved by the Chief, Aircraft Engineering Division, Federal Aviation Administration, Western Region. The procurement time was considered when the NPRM was published. The commentator did not substantiate need for an increase in compliance time and, therefore, the compliance time of 3,000 hours was retained.

One commentator suggested that the compliance time be reduced to 500 hours and that, until the accomplishment of the AD, flight attendants should be seated in a passenger seat as near as practical to floor-level exits. This comment was based on the results of the Ozark Air Lines 1968 Sioux City accident and other related problems (see below). The FAA does not agree with the comment as it pertains to a substantial reduction of the compliance time. The service experience does not convince the agency that more immediate regulatory action is warranted. This commentator also suggested that further consideration be given to the protruding cockpit door molding and the main cabin handle. While related to the problem, the agency has considered both of these installations and has determined that these installations need not be modified by way of an AD. This conclusion is, of course, subject to continuing review of the service experience.

One commentator proposed a relocation of the main cabin door handle. The NPRM concerns the entry door closing assist handle and not the main cabin door handle, and, therefore, the comment is not within the scope of the notice.

One commentator supported and endorsed the proposed rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to Model DC-9-10 series airplanes certificated in all categories.

Compliance required within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible injury to the forward flight attendant, remove the entry door closing assist handle, P/N 3918664-1, and install a handle, P/N 3924268-1, per McDonnell Douglas Service Bulletin No. 25-31, dated May 4, 1966, or McDonnell Douglas Service Bulletin No. 25-185, dated March 31, 1972 or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

This amendment becomes effective January 3, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on November 17, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-20548 Filed 11-29-72;8:48 am]

[Airspace Docket No. 72-WA-62]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Waypoint Reference Facility

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the reference facility for the Tucson, Ariz., waypoint from Phoenix, Ariz., to Tucson in area high route J903R.

Since this change is minor in nature because neither the route nor the waypoint is moved and since no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective January 4, 1973.

The Phoenix reference facility cannot be used on J905R for the Tucson waypoint because of the lack of signal coverage. However, the Tucson reference facility can be used on both J903R and J905R for this waypoint.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 4, 1973, as hereinafter set forth.

Section 75.400 (37 F.R. 2400 and 5489) is amended as follows:

In J903R "Tucson, Ariz. 32°07'21" N. 110°49'12" W. Phoenix, Ariz." is deleted and "Tucson, Ariz. 32°07'21" N. 110°49'12" W. Tucson, Ariz." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 27, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-20601 Filed 11-29-72;8:52 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9878]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Quarterly Statements Furnished to Customers of Broker-Dealers

The Securities and Exchange Commission announced today the adoption of an amendment to paragraph (n) of rule 17a-5 (17 CFR 240.17a-5) under the Securities Exchange Act of 1934. This amendment will modify the requirements of the recently adopted paragraphs (m) and (n), which were announced on June 30, 1972 in Securities Exchange Act Release No. 9658 (37 F.R. 14607).

Paragraph (n), as originally adopted, requires all broker-dealers subject to paragraph (k) of rule 17a-5 to furnish his customers, the Commission and all the self-regulatory organizations of which he is a member, each quarter a statement of financial condition and certain information respecting the firm's net capital and subordinated capital. As originally adopted, paragraphs (m) and (n) could, in some cases, operate to require the broker-dealer to furnish five financial statements to customers annually. Four such quarterly statements would be furnished pursuant to paragraph (n) and would be unaudited. A fifth audited statement would be furnished pursuant to paragraph (m), if the firm's annual audit did not fall at the end of a firm's calendar or fiscal quarter. This situation arises primarily as a result of the surprise audit requirement of several of the self-regulatory bodies. For firms not subject to a surprise audit requirement, the broker-dealer may have other compelling reasons to have its audit on a date which does not fall as of the end of a particular quarter. In addition it is conceivable for the rule to operate so as to have the broker-dealer mail such statements to its customers twice within the same quarter.

The Commission believes that it is important that customers of broker-dealers receive regularly certain information as set forth in paragraphs (m) and (n) of the rule concerning the financial and operating condition of the broker-dealer to whom they entrust their moneys or securities. The Commission also believes that more frequent statements would not materially assist customers of broker-dealers and may be unduly burdensome and expensive for the broker-dealer. Therefore, the Commission is adopting effective immediately an amendment to rule 17a-5(n) which will permit the substitution of the broker-dealer's annual audited statement prepared pursuant to paragraph (m) of the rule in lieu of one of the unaudited quarterly statements furnished customers pursuant to paragraph (n), provided the audited statement is as of the date not more than two months preceding the regular quarterly statements. The audited statement should be sent to those customers who would have received the quarterly unaudited statements required by paragraph (n). The effect of the amendment in most instances would require the particular broker-dealer to furnish customers and to file with the appropriate regional office of the Commission and the particular self-regulatory body of which it is a member four rather than five reports annually.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17(a), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors and also deeming such action necessary for the execution of its functions, the Securities and Exchange Commission hereby amends paragraph (n) of § 240.17a-5 of Chapter II of Title 17 of the Code of Federal Regulations, effective immediately, to read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

* * * * *

(n) Every member, broker or dealer who is subject to paragraphs (k), (l) and (m) of this section shall furnish to his customers (as defined in paragraph (o) of this section) and shall file with the Commission and with the national securities exchange and the national securities association of which he is a member not later than 40 days after the end of each calendar quarter, fiscal quarter or quarter for which the member, broker or dealer is required to file substantially equivalent information with the national securities exchange or national securities association of which he or it is a member, the information specified in paragraphs (m) (1) and (2) of this section, except that such quarterly information shall not be required to be certified. If the annual report sent to customers pursuant to paragraph (m) of this section is as of a date not more than two months preceding the quarterly report required by this paragraph, no quarterly report need be sent for such quarter.

* * * * *

Because the effect of the above described amendments would be to relax certain of the requirements of rule 17a-5 under the Act, the Commission finds that, for good cause, the notice and procedures specified in the Administrative Procedure Act (5 U.S.C. 553) are unnecessary, and accordingly it adopts the foregoing amendment effective immediately on November 24, 1972.

(Secs. 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901 secs. 3, 4, 8, 49 Stat 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076, sec. 7(d), 84 Stat. 1653, 15 U.S.C. 78o(c)(3), 78q(a), 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

NOVEMBER 24, 1972.

[FR Doc.72-20523 Filed 11-29-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TERTIARY BUTYLHYDROQUINONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1A2588) filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of tertiary butylhydroquinone (TBHQ) in food as an antioxidant alone or in combination with BHA and/or BHT, whereby the total antioxidant content of the food does not exceed 0.02 percent of its oil or fat content, including its essential (volatile) oil content.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR